IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 7911 OF 2005.

Sushila Khimji Rambhia. ... Petitioner.

V/s.

Alpesh Kishorchand Ajmera. ... Respondent.

V.A.Thorat, senior counsel i/b. Rekha Shinde
for the petitioner.

Ms.Gauri Godse for the respondent.

CORAM: V.C.DAGA, J.

DATED: 21st December 2005.

P.C.:

. Heard learned counsel for the rival parties.

2. Rule. By consent of parties rule made returnable forthwith.

3. It is no doubt true that no fault can be found with the impugned order. However, one cannot lose sight of the fact that the impugned order is bound to cause substantial prejudice to the petitioner.

4. Mr.Thorat, learned senior counsel appearing for the petitioner orally undertook on behalf of the petitioner that in future no such adjournment would be sought and the advocate for the petitioner appearing in the trial Court shall

appear in the trial Court on day to day basis without any execuse and co-operate with the court not only in recording the evidence but for early disposal of the suit.

5. In view of the assurance given by the petitioner and looking to the consensus between the parties, the impugned order is set aside, subject to payment of costs of Rs.5,000/- to the respondent within three weeks from today. Payment of costs shall be the condition precedent.

6. The trial Court is directed to permit the advocate appearing for the petitioner to cross-examine the witness and lead evidence.

7. The trial Court shall record evidence on day to day basis without granting any adjournment to either of the parties, unless it is required in the interest of justice. Trial Court is also directed to dispose of the suit as expeditiously as possible, at any rate, within six months from the date of receipt of the copy of this order.

8. In the result, petition is allowed. Rule is made absolute in terms of this order with no order as to costs.

(V.C.DAGA, J.)